

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-45 are presently active. Claims 1-4, 6, 8, 9, 15-19, 23, 24, 27, 30-40, and 42 have been presently amended. Claims 5, 12-14, 21-22, and 28-29 were canceled without prejudice.

In the outstanding Office Action, Claims 15 and 16 were objected to due to informalities. Claims 1-7, 9-11, 15-21, and 23-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cunningham et al (U.S. Pat. No. 6,321,337) in view of Reshef et al (U.S. Pat. No. 6,321,337). Claims 8, 12-14, and 22 were objected to for being dependent from a rejected base claim but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.¹

Firstly, Claims 15 and 16 have been amended as suggested in the final Office Action. Thus, it is respectfully submitted that the objection to Claims 15 and 16 have been overcome.

Secondly, Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 8, 12-14, and 22. In order to expedite prosecution of the present case, the subject matter in Claims 12-14 has been included in the present independent claims with further clarification of the invention regarding the basis for determining a preferred response to forward to the proxy server for transmission to the service-requesting client.²

Thirdly, Applicants acknowledge with appreciation the courtesy of Examiner Parthasarathy to interview this case on November 9, 2005 during which time the outstanding issues in the Office Action were discussed as substantially summarized herebelow.³

¹ For the record, Ronald Rudder and Daniel Stephenson take exception to the characterization made in the outstanding Office Action that they agreed that the invention was not properly claimed as filed on June 11, 2001.

² Support for the clarification as to the basis for determining a preferred response is found in Applicants' specification, page 8, lines 14-22.

³ Ronald Rudder and Daniel Stevenson were Applicants representatives during the interview.

During the interview, Applicants' representatives discussed the present invention in view of Applicants' Figure 1 and the description thereof in the specification. Applicants' representatives discussed with the examiner her understanding of the allowable subject matter identified in the last Office Action and how the claims could be amended to include the allowable subject matter. While no agreement on final language was reached during the interview, the present amendment incorporates the allowable subject matter of Claims 12-14 with clarification into the independent claims, and cancels appropriate claims.⁴

In the Advisory Action, it was stated that support for the at least two acceptance monitors was not found in the specification. However, support for the at least two acceptance monitors found in the present claims is shown in Applicants' Figures 1 and 2 which show multiple acceptance monitors (i.e., at least two acceptance monitors). Those acceptance monitors as defined in the specification on page 7 are denoted in Figure 1 by numerals A₁, A₂, ... A_m, and are denoted in Figure 2 by A₁, A₂, A₃, A₄, and A₅.

In the Advisory Action, it was stated that Applicant has not amended independent claims to include the same limitations from cancelled Claims 12-14 and 22. Previously presented Claims 12-14 and 22 (filed on July 20, 2005) are reproduced below for the sake of convenience.

12. A network according to Claim 1, wherein said proxy server is configured to forward said requests to multiple independent protected servers.

13. A network according to Claim 12, wherein said acceptance monitor is configured to receive multiple responses from respective protected servers and to apply independent acceptance tests to each received response.

14. A network according to Claim 13, wherein said ballot monitor is configured to receive multiple responses from respective acceptance monitors and to determine a preferred response from the multiple responses received.

22. A method according to Claim 18, wherein the receiving an incoming network service request further comprises:
forwarding the incoming request to multiple protected servers.

⁴ Support for the at least two acceptance monitors found in the present claims is shown in Applicants' Figures 1 and 2 which show multiple acceptance monitors (i.e. at least two). Those acceptance monitors as defined in the specification on page 7 are denoted in Figure 1 by numerals A₁, A₂, ... A_m, and are denoted in Figure 2 by A₁, A₂, A₃, A₄, and A₅.

The proxy server forwarding requests to multiple independent protected servers feature from Claim 12 is replicated in Claim 1 when Claim 1 defines a proxy server configured to receive an incoming network service request from the client and *to forward the request* pursuant to a tolerance protocol to the *plural protected servers*.

The acceptance monitor receiving multiple responses from respective protected servers and applying independent acceptance tests to each received response feature from Claim 13 is replicated in Claim 1 when Claim 1 defines at least two acceptance monitors configured to receive *from the protected servers respective responses* and to apply *respective acceptance tests thereto*.

The ballot monitor receiving multiple responses from respective acceptance monitors and determining a preferred response from the multiple responses received feature from Claim 14 is replicated in Claim 1 when Claim 1 defines a ballot monitor configured to receive from the acceptance monitors *respective results of the applied acceptance tests* and to determine *a preferred response based on the respective results* of the acceptance monitors.

The forwarding the incoming request to multiple protected servers feature from Claim 22 is replicated in Claim 1 when Claim 1 defines a proxy server configured to receive an incoming network service request from the client and *to forward the request* pursuant to a tolerance protocol to the *plural protected servers*.

Similar changes have been made with regard to independent Claims 2, 18, and 19.

With this explanation, it is respectfully submitted that the presently presented claims to embody the subject matter defined previously in Claims 12-14 and 22, in which allowable subject matter was identified. Thus, it is respectfully submitted that independent Claims 1, 2, 18, and 19 and the claims dependent therefrom patentably define over the art of record.

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Reply to Office Action of October 4, 2005 and the Advisory Action dated January 23, 2006

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

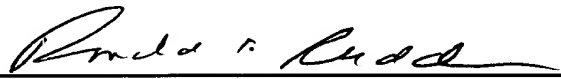
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